

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

CHARLES DAVID BROOKS §
VS. § CIVIL ACTION NO. 5:12cv76
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Charles David Brooks, an inmate confined in the Hughes Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a prison disciplinary conviction.

Petitioner states that in 2001 he was convicted of arson in the 339th District Court of Harris County, Texas. He was sentenced to 20 years imprisonment.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated.

Petitioner's criminal conviction occurred in Harris County. Pursuant to 28 U.S.C. § 124, Harris County is in the Houston Division of the United States District Court for the Southern District of Texas. Moreover, petitioner is currently confined at the Hughes Unit, which is in Coryell County, Texas. Pursuant to

Section 124, Coryell County is located in the Waco Division of the United States District Court for the Western District of Texas.

As the above paragraph indicates, petitioner is not incarcerated in, and his criminal conviction did not occur in, the Eastern District of Texas. As a result, this Court lacks jurisdiction over the petition.

As petitioner complains of a prison disciplinary conviction, this petition shall be transferred to the Waco Division of the Western District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 29th day of October, 2012.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE